

ASSEMBLY BILL

No. 1040

**Introduced by Committee on Public Employees, Retirement and
Social Security (Furutani (Chair), Allen, Ma, and Wieckowski)**

February 18, 2011

An act relating to state employees, and declaring the urgency thereof,
to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 1040, as introduced, Committee on Public Employees, Retirement and Social Security. State employees: memorandum of understanding.

Existing law provides that a provision of a memorandum of understanding reached between the state employer and a recognized employee organization representing state civil service employees that requires the expenditure of funds does not become effective unless approved by the Legislature in the annual Budget Act.

This bill would approve provisions of a memorandum of understanding entered into between the state employer and an unspecified bargaining unit that require the expenditure of funds, and would provide that these provisions will become effective even if these provisions are approved by the Legislature in legislation other than the annual Budget Act.

The bill would provide that provisions of the memorandum of understanding approved by this bill that require the expenditure of funds will not take effect unless funds for those provisions are specifically appropriated by the Legislature, and would require the state employer and the affected employee organization to meet and confer to renegotiate the affected provisions if funds for those provisions are not specifically appropriated by the Legislature.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes.

State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares that the
2 purpose of this act is to approve an agreement pursuant to Section
3 3517.5 of the Government Code entered into by the state employer
4 and State Bargaining Unit ____.

5 SEC. 2. The provisions of the memorandum of understanding
6 prepared pursuant to Section 3517.5 of the Government Code and
7 entered into by the state employer and State Bargaining Unit ____,
8 dated ____, and that require the expenditure of funds, are hereby
9 approved for the purposes of subdivision (b) of Section 3517.6 of
10 the Government Code.

11 SEC. 3. The provisions of the memorandum of understanding
12 approved by Section 2 of this act that require the expenditure of
13 funds shall not take effect unless funds for these provisions are
14 specifically appropriated by the Legislature. If funds for these
15 provisions are not specifically appropriated by the Legislature, the
16 state employer and the affected employee organization shall meet
17 and confer to renegotiate the affected provisions.

18 SEC. 4. Notwithstanding Section 3517.6 of the Government
19 Code, the provisions of the memorandum of understanding
20 included in Section 2 that require the expenditure of funds shall
21 become effective even if the provisions of the memorandum of
22 understanding are approved by the Legislature in legislation other
23 than the annual Budget Act.

24 SEC. 5. This act is an urgency statute necessary for the
25 immediate preservation of the public peace, health, or safety within
26 the meaning of Article IV of the Constitution and shall go into
27 immediate effect. The facts constituting the necessity are:

28 In order for the provisions of this act to be applicable as soon as
29 possible in the 2010–11 fiscal year and thereby facilitate the orderly
30 administration of state government at the earliest possible time, it
31 is necessary that this act take effect immediately.

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